

**UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA**

Ercole A. Mirarchi

Plaintiffs,

v.

KATHY BOOCKVAR, in her capacity as  
Secretary of the State of Pennsylvania and chief  
of elections official; ALLEGHENY COUNTY  
BOARD OF ELECTIONS; BUCKS COUNTY  
BOARD OF ELECTIONS; CENTRE COUNTY  
BOARD OF ELECTIONS; CHESTER  
COUNTY BOARD OF ELECTIONS;  
DAUPHIN COUNTY BOARD OF  
ELECTIONS; DELAWARE COUNTY  
BOARD OF ELECTIONS; ERIE COUNTY  
BOARD OF ELECTIONS; LACKAWANNA  
COUNTY BOARD OF ELECTIONS; LEHIGH  
COUNTY BOARD OF ELECTIONS;  
MONROE COUNTY BOARD OF  
ELECTIONS; MONTGOMERY COUNTY  
BOARD OF ELECTIONS; NORTHAMPTON  
COUNTY BOARD OF ELECTIONS;  
PHILADELPHIA COUNTY BOARD OF  
ELECTIONS;

DEMOCRATIC NATIONAL COMMITTEE;  
JOSEPH R. BIDEN; and KAMALA D.  
HARRIS.

FBI-PA & Washington DC; SEC-Board;  
USDOJ-PA; HOUSE FINANCIAL SERVICES  
COMMITTEE.

Defendants.

Case No.:

**ELECTION FRUAD  
COMPLAINT FOR  
EQUITABLE DAMAGES,  
PUNITIVE DAMAGES, AND  
REQUEST FOR INJUNCTIVE  
RELIEF**

**JURY TRIAL DEMANDED**

Judge:

Date Action filed: January 12, 2021

Date set for trial:

**PLAINTIFF’S RESPONSE TO CERTAIN DEFENDANT COUNTIES’ MOTION TO DISMISS PLAINTIFF’S AMENDED COMPLAINT**

Plaintiff, Ercole Mirarchi, respectfully opposes and responds to CERTAIN DEFENDANT COUNTIES’ motion to dismiss Plaintiff’s amended complaint for the reasons set forth below.

1. **Admitted**, with clarification. The primary, or underlying, cause of action asserted by Plaintiff, which is the basis for his complaint and the four causes of action referenced by CERTAIN DEFENDANT COUNTIES, is

*“why is it so many geometrical mathematical constants exist, interconnect with, and or can be used to replicate many of Pennsylvania, and our Nation’s 2020 Election Vote Totals” (Am. Complaint, ECF No. 26, I. NATURE OF THE CASE, Page-2, Lines 14-15), which isn’t possible, outside of nature, “without the use of mathematics of some type being used to configure a result.” (Am. Complaint, ECF No. 26, I. NATURE OF THE CASE, Page-2, Lines 15-16). NOTE: All “Lines” referenced are the left justify numbers listed on each page of (Am. Complaint, ECF No. 26).*

2. **Denied**. According to [Warth v. Seldin](#), 422 U.S. 490, 501 (1974) ([Warth](#)), in deciding whether a person has standing, a court must consider the allegations of fact contained in a person's declaration and other affidavits in support of his assertion of standing, and at [Warth](#), 422 U.S. at 501 (when addressing a motion to dismiss for lack of standing, both district court and court of appeals must accept as true all material allegations of the complaint and must construe the complaint in favor of the party claiming standing).

Plaintiff asserts there are no allegations listed in his complaint that are not already supported within the complaint itself, or is touched upon in the *causes of action* that will be supported in discovery, at which time Plaintiff will step through PA’s *vote-counting and data transfer protocols* to identify where the algorithm containing the math logic used to configure the results of our Election, lies.

To demonstrate this, Plaintiff's first cause of action (Am. Complaint, ECF No. 26, ¶¶ 165-166) will show the results that came out of Pennsylvania's vote-counting process were planned and deliberate. In addition, be aware, this same information will also be used to support SECOND CAUSE OF ACTION (Am. Complaint, ECF No. 26, ¶ 168), and THIRD CAUSE OF ACTION (Am. Complaint, ECF No. 26, ¶¶ 169-170).

165. This complaint shows malfeasance in Pennsylvania Elections by Officials, many of which are unknown at this time, who acting "under color of law," diluted valid ballots with invalid ones (a form of "ballot-box stuffing"), rendering a false vote tabulation in favor of Biden/Harris, and likely others, which prevented valid voter registrations votes from being given effect in all measures listed on the November 3, 2020 ballot, (18 U.S.C. §§ 241, 242), where federal candidates were on the ballot (52 U.S.C. §§ 10307, 20511).

This allegation of fact is already supported by the analytical work done by concerned citizens, such as, but not limited to, *the Data Integrity Group*, who brought to the Public's attention they found 432,116 negative Trump votes (i.e. changed or flipped from Trump to Biden) in the periodic tabulated data-feeds each state supplies to News Outlets, like CNN or the Associated Press, to report on during Election Night, which went ignored by our Secretary of State and County Boards of Election, who are charged with managing/supervising our Elections.

The calculations below are being used to support *the Data Integrity Group* findings, by showing how Trump's 3,378,263 PA votes numerically interconnect with the 432,116 negative votes uncovered in *the Data Integrity Group* analysis of the periodic vote counts PA provided to Media News Outlets, such as CNN, to report on, which prove an algorithm, based upon math, was active during the vote-counting process managed by the Secretary of State and County Election Boards.

$((1 - \text{SQRT}(1/3.378263))^4) =$	0.0432116	, numerically equals the <b>432,116</b> votes ( <b>213,707</b> Election Day votes and <b>218,409</b> absentee votes) <i>the Data Integrity Group</i> uncovered.
$\text{SQRT}((3.1416 / (1 - ((1 - \text{SQRT}(1/3.378263))^4))) * 0.1) =$	0.5730	, numerically equates to a Radian, often referred to as <b>57.3</b> degrees.
$((2 / (\text{SQRT}(3.459923) * 3.378263)) - \text{LN}(0.0432116)) =$	3.459922	, loops or circles back to Biden's, <b>3,459,923</b> , votes received in PA, by 12/31/2020. <b>NOTE: "LN()"</b> is Excel's Function for a natural logarithm.

This next series of calculations continues to support *The Data Integrity's* Group findings, and it further proves a computer algorithm was used to configure Pennsylvania's Election vote totals. And take notice of the same decimal format in the 1<sup>st</sup> calculation result listed below, which matches the decimal format shown in the 1<sup>st</sup> calculation of the result listed above (which is the bottom of page-3).

$\text{SQRT}(((3.1416*2)/3.377674)^2)-3.459923) =$	0. <b>0218408</b>	, is numerically less than a 1 vote difference from Pennsylvania's alleged to be missing " <b>218,409</b> " absentee votes for Trump. <b>NOTE:</b> Uncovering 0. <b>0</b> in the result of two calculations supports why it is practical for Plaintiff to use <u>multiply by 0.1</u> in calculations to unravel this scheme.
$(\text{SQRT}((0. 0218409^2)+3.459923)*3.377674) =$	6.283 <b>2</b>	, is equal to "Tau", which is <b>2Pi</b> , $(3.1416*2) = 6.2832$ .
$((3.1416*2)/\text{SQRT}((0. 0218409^2)+3.459923)) =$	3.37767 <b>4</b>	, equals the <b>3,377,674</b> votes Trump/Pence certified in PA on 11/24/2020.
$((((3.1416*2)/3.377674)^2)-(0. 0218409^2)) =$	3.45992 <b>3</b>	, is numerically equal to the updated votes the Associated Press reported Biden/Harris received in Pennsylvania, " <b>3,459,923</b> ", by 12/31/2020.

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This next series also supports *the Data Integrity Group's* findings in Pennsylvania. Recall, the 2<sup>nd</sup> calculation listed in this Paragraph-2, at the bottom of page-3 shows to see the *radian measure*, you need to multiply by "0.1". (NOTE: A radian is a standard unit of angular measure that can only be shown by running arithmetic calculations against the data born of the process using that logic.) With this in mind, the 1<sup>st</sup> two calculations listed below show where the values in the last two calculations interconnect. The 3<sup>rd</sup> calculation reveals how a numeric version of the *radian measure, squared*, is a key part of the *math logic* contained within the *algorithmic or engineered processes* that were created and used by someone to configure the outcome of Pennsylvania, and our Nationwide, 2020 Elections.

$(1/((1-\text{SQRT}(0.213707))^2)) =$	3.458 <b>557</b>	
$((((0.360/(3.1416*2))^2)* 0.1)+3.458229) =$	3.458 <b>557</b>	
$((1/((1-\text{SQRT}(0.213707))^2))-3.458229) =$	0.000328 <b>2</b>	, is about equal to the Radian Squared, expressed as $((0.360/(3.1416*2))^2)* 0.1 = 0.0003283$ .
$((1/((1-\text{SQRT}(0.213707))^2))-(((0.360/(3.1416*2))^2)* 0.1)) =$	3.45822 <b>9</b>	, is numerically equal to the <b>3,458,229</b> votes Pennsylvania certified on 11/24/2020 for Biden/Harris.
$((1-(1/\text{SQRT}(((0.360/(3.1416*2))^2)* 0.1)+3.458229)))^2 =$	0.21370 <b>7</b>	, is numerically equal to Pennsylvania's alleged missing <b>213,707</b> election day votes.

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The next paragraph below (Am. Complaint, ECF No. 26, ¶ 166) continues to support why the Court, for standing, should believe all allegations of fact as true.

166. Moreover, polls in Pennsylvania were improper, and or purposely manipulated or flipped to give a false impression Biden/Harris had a comfy lead in the State, which was an attempt to prevent or impede qualified voters from participating in the November 3rd, 2020 Election where a federal candidate's name was on the ballot, which provided cover to commit fraud by giving the Public a false impression, **so no one would question the outcome and notice 600,000 ballots were added to dilute the vote.** (18 U.S.C. §§ 241, 242). **NOTE:** Yellow Highlights supplied by Plaintiff.

In the months before our Election taking place, all major Polls conducted in Pennsylvania portrayed Biden/Harris with what can be described as a large lead over Trump/Pence, which the results in the calculations below do not support, but instead infer the Poll numbers were flipped to intentionally deceive the Public into thinking Biden/Harris had a large lead, so no one would question the configured outcome, as, “600,000” votes less the “432,116” votes *the Data Integrity Group* uncovered was flipped from Trump to Biden (a form of dilution) equals “167,884” physical ballots needing to be injected into Pennsylvania’s vote-counting process at some point, which fits into the range of ballots USPS whistleblower, Jesse Morgan, swore he had delivered, from NY to PA, before our Election taking place, which supports a deliberate plan was in place to configure the outcome of our Election.

A U.S. Postal Service contractor who said his trailer, loaded with 28 Gaylord’s, estimated to contain somewhere between 144,000-288,000 completed ballots, which he drove between New York and Pennsylvania, disappeared after he delivered it to a Lancaster, Pa. United States Postal depot. <https://www.msn.com/en-us/news/us/whistleblowers-post-office-labeled-trump-mail-e2-80-98undeliverable-e2-80-99-388000-ballots-backdated-e2-80-98disappear-e2-80-99/ar-BB1bxICR>

$$\begin{aligned} (0.600000-0.432116) &= 0.167884, \text{ is an approximation of ballots Plaintiff believes was} \\ (((1/((1/0.105)-(10-(1/0.108))))^{(1/4)})/3.459923) &= 0.167889 \text{ give Biden/Harris the win in that state.} \end{aligned}$$


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The next calculation supports the two above have merit, and more can be shown.

$$((10-(6-(1/(3.378263-(3.459923-0.432116))))^{(1/4)})) = 1.618, \text{ equals the commonly referred to value for Phi, “1.618”}.$$


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Moreover, *Lujan v. Defenders of Wildlife*, 112 S. Ct. 2130, 2136 (1992) (*Lujan*) basically says a person sufficiently affected by a matter caused by a controversy that can be resolved by legal action, has standing. With this in mind, the first line of each cause of action says “*Plaintiff reiterates averments from Paragraphs 1-147*”, or “*1-152*”, which shows:

- Plaintiff is a Pennsylvania resident, who cast a ballot, in-person, in our 2020 Election at a designated facility located in the district where he lives.
- Plaintiff has shown the outcome of Pennsylvania’s 2020 Presidential Election was arithmetically configured by way of an unidentified process predicated upon the three most important numbers in math, the constants “Pi”, “e”, and “Phi” (aka the Golden Ratio, whose *inverse* value is what the Fibonacci 618 investing value is based on) that nullified his vote in an Election managed, and supervised, by our Secretary of State and County Boards of Election.
- Plaintiff has shown all values hidden under the guise of the untrue records in the *somewhat loosely related matter* are also constants or variables of some type in this mathematically engineered vote-rigging scheme that was used to configure Pennsylvania’s 2020 Election result vote totals, and thus, their Election outcomes in this matter, which can be proven by issuing a subpoena.
- Plaintiff also shows several other races were configured in Pennsylvania, such as the outcome of the State Attorney General’s race, which that race was also configured using the same, or similar, logic he uncovered was being used in the billion-dollar reinsurance treaty accounting scheme from that *somewhat loosely relate mater*, which a Federal Court, HFSC, SEC, FBI, and USDOJ are aware of, but to date, ignored at his expense, livelihood, and well-being.

To further support the claim above, the 1<sup>st</sup> calculation below from (Am. Complaint, ECF No. 26, Page-37, Para-83, Line 5) is the basis for the next three calculations that follow, which show the number of votes Josh Shapiro received in his Attorney General’s Race also interconnects to, and or can be replicated with math constants, which isn’t possible unless an algorithm based on that same math logic was used to configure the outcome of those Elections.

$$(((2.61803399*2)/3.457072)^2) = 2.2940$$

, equals **2.294**, a value purported to be a reinsurance treaty number in that *somewhat loosely related matter*.

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$$(((3.457072^2)/(3.1416*2))^4) = 13.09013$$

, equates to a variation of 1/2 the Golden Ratio Squared, expressed as  $(26.1803399/2) = 13.09017$ .

$$((3.457072^2)/((26.1803399/2)^(1/4))) = 6.2832$$

, is equal to the math constant "Tau", i.e. "2Pi",  $(3.1416*2) = 6.2832$ .

$$\text{SQRT}(((26.1803399/2)^(1/4))*(3.1416*2)) = 3.457073$$

, is numerically a -1 vote difference from the **3,457,072** votes Josh Shapiro received in PA's 2020 District Attorney Election.

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The next two calculations below, where the first calculation uses Trump/Pence 3,378,263 Pennsylvania vote total, and the second calculation uses the 17,228,422 sums of votes Biden and Trump received in GA, MI, and PA's Election, further support the number "2294" is another constant of some type used in this vote-rigging scheme.

$$((1.61803399/3.378263)^2) = 0.22940$$

, numerically equates to "**2.294**", a value purported to be a reinsurance treaty # in that *somewhat loosely related matter*.

$$\text{SQRT}(1/((\text{SQRT}(17.228422)*3.1416)^(1/4))*0.1) = 0.22940$$

**NOTE:** "1.61803399" is "Phi", and "3.1416" is "Pi".

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Moreover, the series of calculations below further support the statement above. Plaintiff is not going to fully explain the math used in this series, for the reason he is only showing how the number "2179", a value discussed in his complaint (Am. Complaint, ECF No. 26, ¶ 76), which like "2294" is supposed to be another reinsurance treaty number related to that *somewhat loosely related matter*, but in reality, it is another constant of some type used in these mathematically engineered schemes, which again, will not be discussed at this time in detail, with except to share that the last three calculations show it is a certainty Pennsylvania's 2020 Election was configured using unrevealed algorithms that were based on math constants.

Variables/Math Constants used in the series of calculations shown below:

- "6", the number six is a math constant.
- **3.14159** and **3.1416** or its Microsoft Excel Spreadsheet function equivalent, **PI()**, are all commonly used variations of the constant Pi.
- **EXP(1)**, is Microsoft Excel's Spreadsheet function for the constant *e*.
- **1.61803399**, is the math constant Phi, aka the Golden Ratio.
- **501171**, is one of several values hidden under the guise of the untrue records Plaintiff speaks of.



$(1/((\text{SQRT}(6/0.501171)+3.14159)^2)) =$	<u>0.02294542</u>	, is numerically equal to FFH's subsidiary, Odyssey-re, 2008-Annual, page 101, " <b>2,294,542</b> " Written Premiums.
$((\text{SQRT}(6/0.501171)+(1/(3.459923-3.1416)))^2)/2 =$	<u>21.79</u>	, is numerically equal to FFH's Clash re-Treaty No. " <b>2179</b> ".
$((\text{EXP}(1)-1.61803399)^6)^2)/2 =$	<u>21.79</u>	, is numerically equal to FFH's Clash re-Treaty No. " <b>2179</b> ".
$((1/0.02294542)/2) =$	<u>21.79</u>	, is numerically equal to FFH's Clash re-Treaty No. " <b>2179</b> ".
$((3.459923+\text{PI}())^2)/2 =$	<u>21.79</u>	, is numerically equal to FFH's Clash re-Treaty No. " <b>2179</b> ".
$((3.459923-\text{LN}(0.0432116))^2)/2 =$	<u>21.79</u>	, is numerically equal to FFH's Clash re-Treaty No. " <b>2179</b> ".
$((\text{EXP}(1)-1.61803399)^4)^6)^2)/2 =$	<u>21.79</u>	, is numerically equal to FFH's Clash re-Treaty No. " <b>2179</b> ".
$((\text{EXP}(1)-1.61803399)^{1/4})^3.378263+3.1416)^2)/2 =$	<u>21.79</u>	, is numerically equal to FFH's Clash re-Treaty No. " <b>2179</b> ".
$((\text{SQRT}(21.79^2)-\text{PI}())/3.378263) =$	<u>1.024172</u>	, equates to $((\text{EXP}(1)-1.61803399)^{1/4}) =$ <u>1.024171</u> .
$(\text{SQRT}(21.79^2)-\text{PI}()) =$	<u>3.459922</u>	, is numerically 1 vote from Biden/Harris 12/31/2020 Pennsylvania vote count, <b>3,459,923</b> .
$((\text{SQRT}(21.79^2)-\text{PI}())/((\text{EXP}(1)-1.61803399)^{1/4})) =$	<u>3.378265</u>	, is numerically -2 votes from Trump/Pence 12/31/2020 Pennsylvania vote count, <b>3,378,263</b> .
$(3.459923/3.378263) =$	<u>1.024172</u>	, equates to $((\text{EXP}(1)-1.61803399)^{1/4}) =$ <u>1.024171</u> .
$((\text{EXP}(1)-1.61803399)^{1/4})^3.378263 =$	<u>3.459920</u>	, is numerically 3 votes from Biden/Harris 12/31/2020 Pennsylvania vote count, <b>3,459,923</b> .
$(3.459923/((\text{EXP}(1)-1.61803399)^{1/4})) =$	<u>3.378266</u>	, is numerically -3 votes from Trump/Pence 12/31/2020 Pennsylvania vote count, <b>3,378,263</b> .

3. **Denied.** See the answer to Paragraph-2.

4. **Denied.** See the answer to Paragraph-2.

Furthermore, RICO applies to a broad range of conduct, often occurring over an extended period of time and involves numerous people or entities, which is asserted in the cause of action outlined for this category of Plaintiff's complaint.

Additionally, the calculations below support more will be uncovered during Plaintiff's RICO claim than what he alleged in his complaint, as the calculations below use a variation of the same logic shown in Paragraph -2, page-7, last three calculations to further demonstrate there is a commonality between the math logic used in the scheme that was used to configure the vote totals in Pennsylvania, and our Nationwide 2020 Elections, and financial fraud conducted by companies such as, but not limited to, AmTrust Financial, which when investigated further during discovery will lead to identifying who the actual developers of these schemes are.



**NOTE:** (0.27182818-0.161803399) can be re-written as ((2.7182818-1.61803399)\***0.1**), which is what Plaintiff refers to in his Final Amended Complaint as a decimal point maneuver. Also, be aware, below is the 2<sup>nd</sup> row of the table listed in the SEC's litigation against AmTrust, [Case 1:20-cv-04652 Document 1 Filed 06/17/20 Page 12 of 20](#)

Calendar Year Ending (12/31)	Total MBE Adjustments Recorded (in 000's)	Total Reported Loss and Loss Adjustment Expenses (in 000's)	Accumulated Year-End Balance of MBE Adjustments (in 000's)	Total Year-End Loss Reserves Reported (in 000's)
2010	(\$62,124)	\$471,481	(\$93,976)	\$1,263,537
$((1-(0.27182818-0.161803399))^2) = 0.792056$ , numerically equals the difference between (1.263537-0.471481) = 0.792056 $(1.263537-((1-(0.27182818-0.161803399))^2)) = 0.471481$ , numerically equals AmTrust's <b>\$471,481</b> Total Reported Loss and Loss Adjustment Expenses (in 000's). $(0.471481+((1-(0.27182818-0.161803399))^2)) = 1.263537$ , numerically equals AmTrust's <b>\$1,263,537</b> Total Year-End Loss Reserves Reported (in 000's). $(0.27182818-(1-\text{SQRT}(1.263537-0.471481))) = 0.161803461$ , numerically equates to Phi, " <b>1.61803399</b> ". $((1-\text{SQRT}(1.263537-0.471481))+0.161803399) = 0.27182812$ , numerically equates to the Constant "e", <b>2.7182818</b> . $((0.27182818-0.161803399)+\text{SQRT}(1.263537-0.471481)) = 1.00000006$ , is about equal to "1", i.e. <b>100%</b> of value.				
<b>NOTE:</b> AmTrust, as well as many other Public and Private Corporations also use <i>geometrical math constants</i> in their financial engineering, evidenced by a (commonly used variation of a Radian multiplied by the commonly used value for (Phi Squared multiplied by a commonly referred to value for Pi)), numerically equates to their 2010 - <b>471,481</b> Total Reported Loss and Loss Adjustment Expenses, $((360/(3.14*2))*(2.618*3.1416)) = 471.480$ .				

This next series of calculations use data from ViacomCBS week-ending 3/22/2021 Dark Pool Trades (that is linked to the recent Archegos Capital Management collapse) to further demonstrate how the same, or similar, math logic shown in Paragraph -2, page-7, last three calculations (which if you do not see what that is, it is e minus a variation of Phi) was also used in the financial engineering of stock schemes linked to a recent multi-billion-dollar Hedge Fund collapse. And once again, identifying commonalities between these entities will help unveil who the actual developer of these vote-counting and financial fraud schemes are.

$(70.657155/(((2.718282-(1/0.618))*100)*2)) = 0.321122$	, is numerically equal to the " <b>321,122</b> " trades associated with the <b>70,657,155</b> Shares from ViacomCBS 3/22/2021 Dark Pool Trades.
$((((2.718282-(1/0.618))*100)*2)*0.321122) = 70.657053$	, is numerically only a 102 share difference from the <b>70,657,155</b> Shares from ViacomCBS 3/22/2021 Dark Pool Trades.
$(1/(2.718282-(((70.657155/0.321122)/2)*0.01))) = 0.618$	, is equal to the Fibonacci " <b>618</b> " investing value.
$((1/0.618)+(((70.657155/0.321122)/2)*0.01)) = 2.718284$	, equates to the math constant "e", <b>2.718282</b> .

5. **Denied.** To Plaintiff's knowledge this is the first time a claim such as this has been made to the Court. And for the reason this wasn't just a vote-rigging scheme, it is Treason and Coup d'état that was in the works for some time and caused him harm, more than any other for this matter too which this complaint doesn't begin to describe, this gives him the right to make the claim listed in his second cause of action with the Court (Am. Complaint, ECF No. 26, ¶ 167).
6. **Denied.** See (Order, ECF No. 28, ¶ 2). If Plaintiff misunderstood the Court's order, it was unintended and he apologizes. And if instructed, he will redo service.
7. **Denied.** Plaintiff did not file a frivolous lawsuit, it has merit, and for the most part, it has already been proven, therefore, Rule 11 Sanctions will not apply.

Recall, on Oct. 24, 2020, about 10 days before the 2020 Election taking place, on the popular left-leaning political podcast, Pod Save America, then-candidate Biden openly admitted to putting together an *“extensive and inclusive voter fraud organization”*, which appears to not have been the first time.

*“Secondly, we’re in a situation where we have put together, and you guys did it for our administration — President Obama’s administration before this — we have put together I think the most extensive and inclusive voter fraud organization in the history of American politics.”*

Furthermore, Plaintiff would like to point out **Rule 18 U.S. Code § 2382, misprision of treason** will apply to CERTAIN DEFENDANT COUNTIES', and others, who were either directly involved with this scandal or who had knowledge of it and chose to stay silent and did not bring it to the proper authorities attention, which is a duty under the Constitution, not an option, or career move.

8. **Denied.** A reply brief will not be submitted, for the reason Plaintiff believes his response to Defendants motion to dismiss show that he has the standing to bring this lawsuit, and all of the causes of actions listed within it. However, after reading Defendants brief, a few things (5 points) need to be addressed for context.

**First**, Plaintiff admits he found this lawsuit online using an internet search, then exchanged details into it, which is not proper, but it was necessary given the complexity of this scheme, the seriousness of the Treason and Coup d'état crimes that occurred, and the speed at which the analysis needed to expose this scheme had to be developed and brought to the Court's attention, which the Court observed first-hand by monitoring all filings.

**Second**, Paragraph-2 details why Plaintiff has the standing to bring this lawsuit, in addition, a detailed example was provided to demonstrate to all how each generally stated cause of action listed in his complaint will be examined further in discovery, then presented at trial, which should give the Court confidence that each the cause of action listed in this complaint is not a "*theory*", or an exaggeration, and each cause of action will be proven in Court.

**Third**, the primary purpose of this lawsuit is to expose the Treason and Coup d'état crimes that took place on November 3<sup>rd</sup>, 2020, which robbed Plaintiff of his vote. Damages are secondary, however, it should be known no one suffered more from the development and use of these mathematically engineered schemes than this Plaintiff. And to coin, the phrase "*lighting struck twice*", isn't hyperbole.

Further explained, the reason why Plaintiff chose to generally plead damages in this complaint is that they are not yet fully realized at this time. Nor does he know if the cover-up he experienced surrounding the untrue records at issue, which started around 2016, was due to him uncovering the core math logic being formulated to use in the 2020 vote-rigging scheme, which to deploy and use in 2020 had to have been in development in 2016, or if it was related to the foreign special interest in that *somewhat loosely related matter*, which still needs to be determined before damages can be pleaded with specificity.

Additionally, at this time Plaintiff does not yet have an idea of how to split the costs for the thousands of hours of analysis needed to uncover, unravel, and understand the methodology related to the obscure math logic that is being used to model and engineer these schemes (both Election and Financial), which probably needs to be addressed in a future hearing to decide, so costs can be distributed proportionally between this complaint and that *somewhat loosely related matter*.

**Fourth**, it should be pointed out in the Defendants brief they use certain buzz words, such as the word “*convoluted*”, to describe the arithmetic calculations that exposed the core math logic used to configure the outcome of Pennsylvania’s 2020 Elections, which is their *opinion* that is not based on reality or a credible expert witness report from someone familiar with this subject matter. Plaintiff also takes issue with the Defendants’ use of the word “*theories*”, which is misused, as a “*theory*” is an idea, or a set of ideas, used to explain something. The calculations supporting Plaintiff’s claims are not ideas, and they explain nothing. Calculations were only used to determine if an algorithm containing a math process based upon

Geometry was being used at some point during the vote-counting process that took place on Election night to configure the outcome.

Furthermore, in our 2020 Election, from casting a vote (absentee or in-person) to counting ballots, Pennsylvania used and relied upon proprietary mechanical equipment to automate the Election process. And the proprietary equipment Pennsylvania chose to use in every County to automate our Election process, which again, includes ballot casting and vote-counting machines, used algorithms that contain a fair amount of advanced calculative math to complete those tasks.

Therefore, Defendants insinuation Plaintiff's use of calculations to identify and prove his claims is "*convoluted*", and or are "*theories*", isn't proper, for it is an *opinion* that is not based on facts, or an expert witness familiar with the subject matter, and if the Court sides with Defendants Attorneys *opinions*, it will be a double-standard, as it is a fact the only way to uncover mathematical logic is being used in an algorithm, is to run arithmetic calculations against the data used in it, or the results generated from it, to identify the type of math being used in it. The only other way is to have insider knowledge or to examine the source code.

And with this being said, and this is repetitive, but it is necessary to say once more, applying arithmetic calculations against data (i.e. the vote total results) that came out of the vote-counting/tabulation process, managed by the Secretary of State and local County Election Boards, to identify known, or unknown algorithms used in their vote-counting procedures, is not "*convoluted*", or "*theories*", and it should be allowed for the reason it left a *mathematical fingerprint* of the root logic used to configure the outcomes of Pennsylvania's 2020 Elections that can be seen.

And if a *car thief* can be convicted of *auto theft* for leaving a fingerprint behind in the car they stole, the same standard can apply to mathematically engineered fraud.

**Fifth**, and finally, the Court should be aware this vote-rigging scheme was not limited to one Election, or a particular Political Party, which does make this vote-rigging scheme *Treason*, and a *Coup d'état*, that affects every citizen in our Nation, not only Plaintiff. And to support this claim, below, are more calculations being submitted to show Massachusetts Democratic Senate Primary Election between Joseph P. Kennedy III, (seen as an influential person in the anti-vax/autism movement), and Edward J. Markey, (seen as a supporter of the current establishment) election results also interconnect with math constants, and or logic, which proves their race was also configured, and further supports vote-rigging is a systemic problem in our country that has to be addressed, which is another reason as to why this lawsuit should be allowed to continue.

$$\begin{aligned} ((10-(2.618^2))/(3.60/1.618)) &= 1.41398\mathbf{6} \\ (0.782694+0.629359+0.001935) &= 1.41398\mathbf{8} \end{aligned} \quad \text{Also, keep in mind: } (0.782694/(1-0.782694)) = 3.60...$$

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$((10-(2.618^2))/(3.60/1.618))-(0.629359+0.001935) = 0.78269\mathbf{2}$	, is 2 votes from the total votes Markey received in his 2020 Massachusetts Senate Democratic Primary win against Kennedy.
$((10-(2.618^2))/(3.60/1.618))-(0.782694+0.001935) = 0.62935\mathbf{7}$	, is -2 votes from the total votes Kennedy received in his 2020 Massachusetts Senate Democratic Primary loss against Markey.
$((10-(2.618^2))/(3.60/1.618))-(0.782694+0.629359) = 0.00193\mathbf{3}$	, is 2 votes from the number of votes "Other/write-in" received in Massachusetts 2020 Senate Democratic Primary.
$((10-(2.618^2))/(0.782694+0.629359+0.001935)) = 2.22496\mathbf{7}$	, is the <i>Reflex of the Golden Angle</i> , stated as $(3.60/1.618) = 2.22496\mathbf{9}$ .
$((0.782694+0.629359+0.001935)*(3.60/1.618)) = 3.1460\mathbf{8}$	, is <u>((100% of value, stated here as "10", less the commonly referred to value for Phi Squared), Squared), <math>(10-(2.618^2)) = 3.1460\mathbf{8}</math>.</u>

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**WHEREFORE**, the Plaintiff respectfully request that this Court deny the **CERTAIN DEFENDANT COUNTIES'** motion to dismiss Plaintiff's lawsuit, in accordance with the attached proposed order.

**Dated:** 5/9/2021

/s Ercole A. Mirarchi

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ERCOLE A. MIRARCHI,	:	Civil Action
	:	
Plaintiff,	:	
	:	
v.	:	No.: 5:21-CV-126
	:	
KATHY BOOCKVAR, et al.,	:	
	:	
Defendants.	:	
	:	Judge Jeffrey L. Schmehl

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the foregoing Plaintiff's Response to Certain Defendant Counties' Motion to Dismiss Amended Complaint was filed electronically and served via the Court's CM/ECF system, pursuant to the Federal Rules of Civil Procedure. The undersigned further certifies that a copy of the forgoing Plaintiff's Response to Certain Defendant Counties' Motion to Dismiss Amended Complaint was electronically mailed to Counsel for Defendants, Centre County Board of Elections, Dauphin County Board of Elections, and Lackawanna County Board of Elections at the email addresses listed below:

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/s/ Ercole A. Mirarchi

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ERCOLE A. MIRARCHI,	:	Civil Action
	:	
Plaintiff,	:	
	:	
v.	:	No.: 5:21-CV-126
	:	
KATHY BOOCKVAR, et al.,	:	
	:	
Defendants.	:	
	:	Judge Jeffrey L. Schmehl

**ORDER**

AND NOW, this \_\_\_\_ day of May, 2021, it is hereby ORDERED that Defendants CERTAIN DEFENDANT COUNTIES' MOTION TO DISMISS PLAINTIFF'S AMENDED COMPLAINT is DENIED.

IT IS SO ORDERED:

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Schmehl, J.